

## Patent Customers Advised to FAX Communications to USPTO

Facsimile transmissions of communications to the Office can significantly expedite processing of the communication within the Office. For example, when an assignment document is faxed to the Office, the average cycle time to process, record, and send a notice of recordation is one calendar day, whereas when the document is mailed to the Office, the average cycle time is 113 calendar days. See Status of Office of Public Records Services, 1269 Off. Gaz. Pat. Office 19,20 (April 1, 2003).

With many of the facsimile numbers provided below (i.e., those numbers below with 746 or 872 after the area code in the facsimile number), a return receipt will be automatically generated that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the received cover page. The return receipt will be automatically sent to the sender's facsimile machine so long as the sender's facsimile number is properly programmed in the sending facsimile machine, and the sender's facsimile machine is available to receive a fax immediately following the original transmission. (Note that with area code changes, or with movement of a facsimile machine from one number to another, the facsimile machine's number may need to be reprogrammed.) Even if a return receipt is not desired, at least the first page of the facsimile transmission must clearly indicate the date and time the transmission is sent, an identification of the business, other entity, or individual sending the transmission, and the telephone number of the sending machine or of such business, other entity, or individual. See 47 U.S.C. 227(d)(1)(B) and 47 CFR 68.318(d). A return receipt will be attempted to be sent several times, but if a busy signal is repeatedly received, a return receipt will not be received by the sender. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to an Office action by facsimile (see 37 CFR 1.6 and 1.8). Applicants are also advised to retain the return receipt in the event that the Office has no record of the facsimile submission.

PTO Form-2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality. Note that current processing of assignment documents now permits use of a credit card, but that PTO form 2038 should be used to prevent credit card information from being included in public records. Form PTO-2038 may be downloaded at <http://www.uspto.gov/web/forms/2038.pdf> from the USPTO website.

<b>Examples of Correspondence that MAY be faxed to the USPTO (37 CFR 1.6)</b>	<b>Patent Correspondence that may NOT be faxed to the USPTO (37 CFR 1.6)</b>
Amendments	Correspondence relating to registration to practice before the USPTO in patent cases, enrollment or disciplinary matters
Petitions for an extension of time	Documents required by statute to be certified (37 CFR 1.4(f))

Authorization to charge a deposit account	Patent applications other than Continued Prosecution Applications (CPAs). International applications for patents may also not be faxed.
Information disclosure statements (IDS)	Correspondence in an interference that an examiner-in-chief orders to be filed by hand or "Express Mail," the filing of agreements between parties to an interference, and other papers in an interference ( <u>see</u> , e.g., 37 CFR 1.6(d)(9))
Terminal disclaimers	A copy of an international application and the basic national fee necessary to enter the national stage, as specified in 37 CFR 1.495(b)
Notices of Appeal and Appeal briefs	Drawings submitted under 37 CFR 1.81, 1.82 – 1.85, except when included with an Issue Fee transmittal and faxed to (703) 746-4000
Continued prosecution applications (CPAs) under 37 CFR 1.53(d)	A request for reexamination under 37 CFR 1.510 or 1.913
Requests for continued examination (RCEs) under 37 CFR 1.114	Correspondence required to be filed in a patent application subject to a Secrecy Order and directly related to the secrecy order content of the application

Note: Other items may be submitted by fax to the USPTO as set forth below.

### **Faxes to the Office of Initial Patent Examination**

Responses to notices from the Office of Initial Patent Examination (OIPE) and requests for corrected filing receipts may be filed by facsimile. New applications (other than continued prosecution applications (CPAs) under 37 CFR 1.53(d)) may not be filed by facsimile. The following is a list of Official Facsimile Numbers for the OIPE:

Fax number for corrected Filing Receipt Requests:	703-746-9195
Fax number for Response to Notice to File Missing Parts (drawings may not be submitted by fax):	703-746-4060
Telephone number for Customer Service:	703-308-1202

### Faxes to the Technology Centers

In addition, communications may be faxed to the Technology Centers. The following is a list of Official Facsimile Numbers for the Technology Centers:

<b>TC1600:</b>  Before Final: 703-872-9306 After Final: 703-872-9307 Customer Service: 703-872-9305  Telephone number for customer service: (703) 308-0198	<b>TC2800:</b>  Before Final: 703-872-9318 After Final: 703-872-9319 Customer Service: 703-872-9317  Telephone number for customer service: (703)306-3329
<b>TC1700:</b>  Before Final: 703-872-9310 After Final: 703-872-9311 Customer Service: 703-872-9309  Telephone number for customer service: (703)306-5665	<b>TC2900:</b>  Before Final : 703-872-9322 After Final: 703-872-9323 Customer Service: 703-872-9321  Telephone number for customer service: (703)306-5648
<b>TC2100:</b>  Before Final: 703-746-7239 After Final: 703-746-7238 Customer Service: 703-746-7240  Telephone number for customer service: (703)306-5631	<b>TC3600:</b>  Before Final: 703-872-9326 After Final: 703-872-9327 Customer Service: 703-872-9325  Telephone number for customer service: (703)306-5771
<b>TC2600:</b>  Before Final: 703-872-9314 After Final: 703-872-9315 Customer Service: 703-872-9313  Telephone number for customer service: (703)306-0377	<b>TC3700:</b>  Before Final: 703-872-9302 After Final: 703-872-9303 Customer Service: 703-872-9301  Telephone number for customer service: (703)306-5648

### Faxes to the Office of Patent Publication

Patent applicants are also reminded that 37 CFR 1.6(d) permits payment of an issue fee and a publication fee (if required) by facsimile transmission. When drawings are submitted with payment of an issue fee, they may be submitted by facsimile, although

applicants are reminded that the facsimile process may reduce the quality of the drawings, and the Office will generally print the drawings received.

The applicable telephone numbers for payment of the issue and/or publication fee(s) by facsimile transmission are as follows:

Fax number for Issue Fee (and any Publication Fee) Payments:	(703) 746-4000
Telephone number to check on receipt of payment (with Office of Patent Publication):	(703) 305-8283

The Office of Patent Publication also handles many matters related to publication of patent applications. For example, express abandonments under 37 CFR 1.138(c) are handled by the Pre-Grant Publication Division of the Office of Patent Publication. In addition, requests to rescind a nonpublication request and notices of foreign filing should be directed to the Pre-Grant Publication Division. Questions regarding publication of patent applications (or rescissions of nonpublication requests) may also be directed by e-mail to [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

Fax number for PGPUB correspondence:	(703) 305-8568
Telephone number for the Pre-Grant Publication Division:	(703) 605-4283

### **Faxes of Assignment Documents**

Facsimile transmission to record an assignment or other documents affecting title is also accepted. This process allows customers to submit their documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their fax machine. Credit card payments to record assignment documents are now accepted, but use of the credit card form (PTO Form-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by a USPTO deposit account or credit card may be submitted via facsimile. Please refer to our Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Fax number for Automated Patent and Trademark Assignment system:	703-306-5995
Telephone number for Assignment Division for assistance:	703-308-9723

### **Faxes to the Office of Petitions**

Applicable correspondence may be submitted to the Office of Petitions via facsimile. For questions concerning Petitions, contact the Office of Petitions at the numbers below:

Fax number for the Office of Petitions:	703-308-6916
Telephone number for customer service and inquiries:	703-305-9282